The opinion in support of the decision being entered today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte JANANI JANAKIRAMAN, RABINDRANATH DUTTA, and RICHARD SCOTT SCHWERDTFEGER

Appeal 2007-1658
Application 09/838,428
Technology Center 2100

Decided: September 6, 2007

Before ANITA PELLMAN GROSS, JEAN R. HOMERE, and JOHN A. JEFFERY, *Administrative Patent Judges.*

GROSS, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Janakiraman, Dutta, and Schwerdtfeger (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 1, 3 through 8, 10 through 15, and 17 through 21, which are all of the claims pending in this application.

Appellants' invention relates to an improved system for presenting multimedia data to users with disabilities. See Specification, page 1. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for presenting text from moving video to a user, the method comprising:

receiving multimedia data containing a plurality of moving video frames and an associated plurality of sets of text data, wherein the associated plurality of sets of text data are associated in time with the plurality of moving video frames, wherein the plurality of sets of text data includes a first text data set associated with a first plurality of moving video frames of the multimedia data, and a second text data set associated with a second plurality of moving video frames of the multimedia data;

extracting the associated plurality of sets of text data from the multimedia data;

extracting a first video frame, from the first plurality of moving video frames, associated with the first text data set to form a first still image;

extracting a second video frame, from the second plurality of moving video frames, associated with the first[1] text data set to form a second still image;

outputting the first text data set in association with the first still image; and

outputting the second text data set in association with the second still image.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

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[1] Since the second plurality of moving video frames is associated with a second text data set, it appears that this should read "second." We note that the same inconsistency appears in each of the independent claims.

Loui	US 6,813,618 B1	Nov. 02, 2004
Bergen	US 6,956,573 B1	Oct. 18, 2005

Isabel F. Cruz (Cruz), *A User-Centered Interface for Querying Distributed Multimedia Databases*, ACM SIGMOD Record, Vol. 28, Issue 2, 590-93, (1999).

Claims 1, 3 through 6, 8, 10 through 13, 15, and 17 through 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Loui in view of Bergen.

Claims 7, 14, and 21 stand rejected under 35 U.S.C. § 103 as being unpatentable over Loui in view of Bergen and Cruz.

We refer to the Examiner's Answer (mailed October 11, 2006) and to Appellants' Brief (filed September 12, 2006) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will affirm the obviousness rejection of claims 1, 3 through 6, 8, 10 through 13, 15, and 17 through 20, but reverse the obviousness rejection of claims 7, 14, and 21.

OPINION

Appellants contend (Br. 13-17) that Loui and Bergen fail to suggest plural moving video frames with a first set of text data associated in time with first moving video frames and a second set of text data associated in time with second moving video frames. Appellants further contend that Loui and Bergen fail to teach extracting a first video frame associated with the first set of text data and a second video frame associated with the second text data set to form first and second still images. The main issue, therefore,

is whether the combination of Loui and Bergen teaches or suggests extracting a first video frame associated with a first set of text data and a second video frame associated with a second set of text data and forming two still images therefrom.

Loui discloses (col. 1, ll. 61-67) that video clips can be placed in a digital album by selecting a key frame for static display to identify the video. Thus, Loui suggests extracting (by selecting) a video frame (a key frame) from plural video frames (the video clip) to display a frame representative of the video clip. Further, Loui discloses (col. 2, ll. 1-5) that modern cameras allow associating textual data with digital images. Loui (col. 5, ll. 40-48) describes display 20 of Figure 3 as showing four digital photographs, each with associated text describing the photograph. Thus, Loui suggests associating text with the images to describe them.

Bergen (col. 2, ll. 29-32 and 44-47) describes a database that provides scene-based video information to a user by dividing a video stream into scenes, each made up of plural frames, with a key frame for each scene. Bergen further discloses (col. 4, ll. 12-21) providing information associated with the video to identify portions of one or more frames or scenes. The information may be summaries or textual descriptions of the scenes. (See col. 10, ll. 31-36.) Thus, Bergen further suggests extracting a key frame from each of a plurality of video streams and associating text with each extracted frame. We note that Appellants argue (Br. 17) that Bergen "does not teach or suggest dividing a video stream based on sets of text data associated in time with moving video frames." However, independent claims 1, 8, and 15 do not require dividing the video stream "based on" text data. The claims merely call for extracting two video frames associated with

first and second sets of text data, respectively, and forming still images therefrom, which is suggested by both Loui and Bergen.

Appellants further contend (Br. 17-19) that the Examiner has failed to point to a teaching, suggestion, or motivation in the prior art to combine and/or modify Loui and Bergen. The Supreme Court recently held that in analyzing the obviousness of combining elements, a court need not find specific teachings, but rather may consider "the background knowledge possessed by a person having ordinary skill in the art" and "the inferences and creative steps that a person of ordinary skill in the art would employ." *See KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007). Since Loui and Bergen describe such similar systems, it would have been obvious to the skilled artisan to use steps/elements from one for the other.

Appellants contend (Br. 21-23) that the Examiner used impermissible hindsight in combining Loui and Bergen because each presented a complete solution to the problem they faced, and, thus, the skilled artisan would not have been motivated to combine/modify them. However, Bergen has not been used to modify Loui, but rather reinforces the teachings and suggestions made by Loui. Accordingly, the Examiner has not used impermissible hindsight. Since we have found that Loui and Bergen suggest extracting two video frames associated with first and second sets of text data, respectively, and forming still images therefrom, we will sustain the obviousness rejection of claims 1, 8, and 15, and dependent claims 3 through

6, 10 through 13, and 17 through 20, which have not been separately argued.[2]

Appellants (Br. 23-25) contend that Cruz, added to the primary combination by the Examiner for rejecting claims 7, 14, and 21, fails to suggest discarding remaining moving video frames from the first plurality of moving video frames, as recited in each of claims 7, 14, and 21. The second issue, therefore, is whether Cruz, in combination with Loui and Bergen, suggests discarding the remaining video frames.

The Examiner relies (Answer 9) on deselecting the "video" checkbox in Figure 2 of Cruz as suggesting discarding remaining video. However, the checkbox operates to determine whether or not video is to be displayed. Cruz does not address whether remaining video should be discarded after a single frame has been extracted from the video stream. Since Loui and Bergen also fail to address this limitation, we will reverse the obviousness rejection of claims 7, 14, and 21.

ORDER

The decision of the Examiner rejecting claims 1, 3 through 8, 10 through 15, and 17 through 21 under 35 U.S.C. § 103 is affirmed as to

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[2] We note that Bergen discloses (col. 20, ll. 14-44) a video book in which a temporal index of a movie can be presented as a series of frames, wherein each frame represents a scene from the movie. Each scene has a prewritten description of the contents which can be requested after the frames are viewed. Thus, Bergen's video book includes extracting frames from a video with text data associated in time with the video frames. The main difference between Bergen and claim 1 appears to be that Bergen displays the text after the user views the still images, not in association with the still images.

claims 1, 3 through 6, 8, 10 through 13, 15, and 17 through 20, but reversed as to claims 7, 14, and 21.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

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